

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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AKAMAI TECHNOLOGIES, INC.,

and

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Plaintiffs,

v.

DIGITAL ISLAND, INC.

Defendant.

Civil Action No.

Judge

JURY TRIAL REQUESTED

RECEIVED \$ 25252
AMOUNT \$ 150.00
SUBMITTING FEE yes
LOCAL RULE 41 yes
WAIVER OF SERV. _____
MAY ISSUED _____
AO 120 OR 121 _____
BY DPT CLK SS

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Akamai Technologies, Inc. ("Akamai") and Massachusetts Institute of Technology ("MIT") bring this Complaint for Patent Infringement, request a Jury Trial, and allege as follows:

1. Akamai is a corporation organized under the laws of Delaware with its principal place of business in this judicial district at 500 Technology Square, Cambridge, Massachusetts.
2. MIT is a world-renowned educational institution located in this judicial district in Cambridge, Massachusetts.
3. Digital Island, Inc., ("Digital Island") is a corporation organized under the laws of Delaware with its principal place of business at 45 Fremont Street, San Francisco, California.
4. Digital Island has committed acts of patent infringement in this Judicial District and elsewhere.

①

5. On August 22, 2000, U.S. Patent No. 6,108,703 ("the '703 patent") was duly and legally issued to MIT as the assignee of all the right, title, and interest to the patent. The inventors, F. Thomson Leighton and Daniel M. Lewin, reside in this judicial district. A copy of the '703 patent is attached as Exhibit A to this Complaint.

6. Akamai is the exclusive licensee of MIT under the '703 patent.

7. This claim arises under the Patent Laws of the United States, 35 U.S.C. § 271 *et seq.*

8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

9. The '703 patent relates to Akamai's FreeFlow content delivery service, which is a service that accelerates and improves internet website performance significantly.

10. On information and belief, Digital Island is infringing the '703 patent by providing a service, called Footprint, covered by one or more claims of the '703 patent. The Footprint service currently offered is the second version under that name. Akamai introduced its FreeFlow content delivery service in about April, 1999. Thereafter, Digital Island modified its Footprint content delivery service to the new version, which constitutes direct infringement of the '703 patent.

RELIEF REQUESTED

WHEREFORE, Akamai and MIT pray for judgment and relief including:

(A) Judgment that Digital Island has been and is infringing one or more of the claims of the '703 patent in violation of 35 U.S.C. § 271;

(B) A preliminary and permanent injunction enjoining Digital Island, its officers, agents, servants, employees and others acting for or on its behalf from infringing or inducing the infringement of the '703 patent;


(C) An award of damages incurred as a result of infringement by Digital Island;

(D) An award trebling the damages pursuant to 35 U.S.C. § 284 for willful infringement of the '703 patent if the infringement does not cease promptly after filing of this suit;

(E) An assessment of costs, including reasonable attorney fees pursuant to 35 U.S.C. § 285, and prejudgment interest against Digital Island;

(F) Such other and further relief as this Court may deem just and proper.

Date: September 13, 2000



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